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09/662,230	09/14/2000	Hideo Ando	04329.2387	3095

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EXAMINER
FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/662,230	ANDO ET AL.
	Examiner	Art Unit	
	James A. Fletcher	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-6 and 15-28* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 18 August regarding claims 5 and 6 have been fully considered but they are not persuasive.

In re page 12, Applicant's Representative states: "Yuen's general mentioning of a textual directory to assist selecting an NTSC program does not constitute a teaching of 'selecting a specific music number or tune corresponding to the displayed representative image,' as recited in claim 5."

The Examiner respectfully disagrees. Yuen does far more than simply mention a textual directory to assist selecting an NTSC program. Yuen clearly discloses the display of a representative image displayed in conjunction with a text entry for selection of a specific music number or tune, as noted in the non-final rejection. Further, Yuen clearly states that the program selecting function can pertain to "a karaoke tape, songs, lectures or speeches, that contains many titles on it..."

In re pages 12 and 13, Applicant's Representative states: "such general description of a tape type does not constitute a teaching of 'selecting a specific music number or tune corresponding to the displayed representative image,' as recited in claim 5... Furthermore, a title of a prerecorded song does not, with complete details, constitute 'a specific music number or tune,' as recited in claim 5."

While the examiner agrees with the statement that a general description of a tape type as a music tape having several titles on it does not constitute making a selection of a particular title, Yuen clearly discloses that his invention is intended for the selection

and play of an individual segment of a recording containing several such segments, and has taught that those segments can be specific music numbers, or, using Yuen's terminology, "titles." As is understood by those of ordinary skill in the art, such an invention applied to a tape containing several music titles would be for the selection and play of one of those titles or songs.

Further, the Examiner is confused as to exactly what details Yuen omits in his description of a tape containing several music titles, and was unable to discover what the Applicant's Representative would consider those details to be.

In re pages 13 and 14, Applicant's Representative states: "Noguchi's teaching of a user selected leading picture for a play list does not constitute 'setting the first representative image to represent the combined audio information.'"

The examiner respectfully disagrees. Noguchi clearly indicates an extracting unit that "may extract the picture information to be firstly reproduced on a reproduction time axis of the partial record information, as the representative picture information" in Col 2, lines 31-33. The mere fact that Noguchi provides for a manual selection as well does not negate the disclosure of an automatic selection.

In re pages 14 and 15, and claim 15, Applicant's Representative states: "Yuen's teaching of an index textual directory displayed with a frame of video program does not constitute 'reproducing management information for managing a manner of reproduction of the music information to search for a plurality of representative images representing one or more pieces of audio information, wherein the music information is configured to

be associated with one or more said representative images,' as recited by amended

claim 15."

This argument is addressed in the rejection of the amended claims below.

However, the Examiner feels it is important to point out that Yuen's disclosure of

reading the directory from VBI line 20 does constitute reproducing the management

information for managing a manner of reproduction of the music information to search

for a plurality of representative images representing one or more pieces of audio

information.

In re page 16, Applicant's Representative states: "Noguchi's teaching of

combining individual parts into a play list does not constitute 'dividing the audio

information into a first audio information and a second audio information,' as recited by

claim 24."

The Examiner respectfully disagrees. Noguchi's disclosure of editing by the

creation of a play list clearly suggests other forms of editing. Editing video clips, as is

known to those of skill in the art, consists of both selecting the part of a video clip you

want to save from a larger recording (dividing), and splicing the desired clips together.

2.   Applicant's arguments with respect to claims 15-23 and 25-28 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

4.   Claims 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen

(6,240,241).

Regarding claims 5 and 6, Yuen discloses a method and apparatus for

displaying in a menu a representative image selected from one or more pieces of still

image information where in the displaying method and apparatus use an information

storage medium for recording audio information, the still image information, and

management information indicative of a reproduction relationship between the audio

information and the still image information, the displaying method and apparatus

comprising:

- a first unit configured to read the management information from the medium
  (Col 10, lines 10-14 "When the VCR 1 is playing back a program from the
  cassette tape 40, the VBI decoder 60a can operate to decode information
  stored in the VBI of the recorded signals [e.g. previously recorded directory
  information]");

- a second unit configured to display the representative image with related text
  information (Col 1, lines 46-48 "A frame of the video program that is recorded
  on tape is selected to be displayed with the directory in text form for one or
  more of the recorded programs");

- a third unit configured to select a specific music number or tune
  corresponding to the displayed representative image (Col 4, lines 47-49 "a
  directory as described below to assist in selecting a program by use of still

video frame pictures" and Col 9, lines 29-31 "a commercially produced tape

such as...songs...that contains many titles on it"); and

- a fourth unit configured to reproduce the audio information corresponding to

  the selected music number or tune (Col 1, lines 37-39 "directories in text are

  provided for home recorded [HR] tapes and for pre-recorded [PR] tapes to

  facilitate selection and playing of programs" and Col 8 lines 12-13 "an audio

  track 42a which contains audio signals").

5.   Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi et

al (6,813,434).

Regarding claim 25, Noguchi et al disclose a method for reproducing and

editing music information, comprising:

- selecting a first audio information represented by a first representative image

  (Col 16, lines 43-46 "when the generation of the play list is designated on a

  play list generation designation picture...a picture shown in FIG. 9A is

  displayed on the monitor D") and a second audio information represented by

  a second representative image (Fig 8, steps S42-S33 indicates an identical

  procedure for selecting additional information clips);

- combining the first audio information and the second audio information into a

  combined audio information (Col 16, line 42 "the second play list PL2 is newly

  generated");

- displaying the first representative image of the combined audio information

  (Col 20, lines 29-31 "when the plurality of parts are collectively reproduced as

the play list, one leading picture enables the content of the play list to be

easily recognized");

- determining the first representative image being selected (Col 20, lines 7-9

  "the picture corresponding to the newly selected symbol A3 is displayed as

  the leading picture indicative of the play list after that"); and

- reproducing the combined audio information corresponding to the selected

  representative image (Col 3, lines 1-7 "by combining the plural partial record

  information selected from a single record information, they can be edited to

  be reproduced in a different reproduction order. At the time of reproduction,

  the contents of each partial record information may be recognized by one of

  the representative picture information").

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi

et al.

Regarding claim 24, Noguchi et al disclose a method for reproducing and

editing music information comprising:

- selecting audio information represented by a representative image (Col 16,

  lines 43-46 "when the generation of the play list is designated on a play list

generation designation picture...a picture shown in FIG. 9A is displayed on the monitor D" and Col 7, lines 41-42 "the picture or voice corresponding to the recording signal Sr");

- setting the representative image to represent the first audio information (Col 17, lines 8-10 "Accordingly, the picture shown in FIG. 9A is again displayed on the monitor D");

- setting the representative image to represent the second audio information (Col 19, lines 1-3 "the display of the part designated by the cursor K on the monitor D is erased to display a picture indicative of a content of a new play list");

- selecting one of the representative images (Col 20, lines 15-17 "the part to be reproduced can be recognized intuitively and easily by using the leading picture as a key at the time of the reproduction"); and

- reproducing the audio information corresponding to the selected representative image (Col 20, lines 15-17 "the part to be reproduced can be recognized intuitively and easily by using the leading picture as a key at the time of the reproduction").

- Noguchi et al disclose editing a clip as required (Col 17, lines 4-5 "a play list generation end/continuation picture shown in FIG. 9C is displayed on the monitor D"), but do not specifically indicate that such editing is dividing the audio information into a first audio information and a second audio information.

The examiner takes official notice that designating a starting point for
playback of a clip and an end point for playback of a clip allows the user to
designate a second starting point for playback of the clip at or immediately
after the first end point for playback of the clip, as is understood by those of
ordinary skill in the art.

Therefore, it would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Noguchi et al in order to allow dividing
the clip into a first part and a second part.

8.   Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Yuen as applied to claims above, and further in view of Noguchi et al.

Regarding claims 26 and 27, Yuen discloses a method and apparatus wherein
a plurality of representative programs are parallel displayed in the displaying process as
illustrated in Fig 17 and Fig 18, but only discloses showing one selected image on the
menu screen.

Noguchi et al teach the display of multiple representative images representing
multiple programs or program segments on a medium (Col 11, lines 53-54 "pictures M1
to M6 indicative of the respective programs are displayed within the menu picture M, for
example").

As suggested by Yuen and taught by Noguchi, the display of several items in a
menu page presents the user information to enable him to select the desired program
easily and quickly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yuen in order to display multiple representative images on the index screen.

9.   Claims 15-23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen, and further in view of Noguchi et al.

Regarding claim 15, Yuen discloses a method for reproducing music information from a storage medium comprising:

- reproducing management information for managing a manner of reproduction of the music information to search for a representative image representing one or more pieces of audio information (Col 9, lines 33-34 "The index is stored on the tape by the video publisher at the time of the recording," Col 10, lines 53-55 "The indexing VCR 10 then goes into PLAY mode and reads the directory from VBI line 20" and Col 1, lines 46-47 "A frame of the video program that is recorded on tape is selected to be displayed with the directory") wherein the music information is configured to be associated with one or more of the representative images (Col 10, lines 27-32 "A program directory or directories containing information about the names and locations of each program or record on the tape is stored on the tape. Also, a selected video frame for each recorded program is stored on the tape preferably at the beginning of the tape in the video track");

- displaying the representative images (Col 10, line 55 "and displays it on the screen") and;

- determining one of the representative images being selected (Col 6, lines 38-
  39 "The still video frame is also read and displayed on display 50 for a
  selected program"); and

- reproducing the audio information corresponding to the selected
  representative image (Col 1, lines 37-39 "directories in text are provided for
  home recorded [HR] tapes and for pre-recorded [PR] tapes to facilitate
  selection and playing of programs" and Col 8 lines 12-13 "an audio track 42a
  which contains audio signals").

- Yuen discloses showing a plurality of programs on a single screen, as well as
  the storage of multiple representative images, but only shows one of those
  images, as illustrated in Fig. 17 and Fig. 18.

  Noguchi et al teach the display of multiple representative images

  representing multiple programs or program segments on a medium (Col 11,

  lines 53-54 "pictures M1 to M6 indicative of the respective programs are

  displayed within the menu picture M, for example").

  As suggested by Yuen and taught by Noguchi, the display of several

  items in a menu page presents the user information to enable him to select

  the desired program easily and quickly.

  Therefore, it would have been obvious to one of ordinary skill in the art

  at the time of the invention to modify Yuen in order to display multiple

  representative images on the index screen.

Regarding claims 16, 18, 20, and 22, Yuen discloses a method for reproducing

and recording audio, still image, and management information wherein the information

storage medium is configured to record:

- one or more music reproduction units for reproducing the audio information

  (Col 9, lines 28-32 "a commercially purchased tape, such as...songs...that

  contains many titles on it or may contain only one program"); and

- set information for setting one or more pieces of the still image information to

  represent contents of the music reproduction unit (Col 10, lines 27-32 "A

  program directory or directories containing information about the names and

  locations of each program or record on the tape is stored on the tape. Also, a

  selected video frame for each recorded program is stored on the tape

  preferably at the beginning of the tape in the video track");

- wherein the set information is provided for at least one of the music

  reproduction units, and a specific one of the pieces of the still image

  information configured to be displayed first in the music reproduction unit is

  set as a representative still image of the contents of the music reproduction

  unit (Col 10, lines 30-32 "a selected video frame for each recorded program is

  stored on the tape preferably at the beginning of the tape in the video track").

Regarding claims 17, 19, 21, and 23, Yuen discloses a method for recording
and reproducing audio, still image, and management information wherein the
information storage medium is configured to record:

- information for specifying or designating one or more pieces of the still image
  information to represent contents of the reproduction sequence in which the
  still image information is to be displayed (Col 6, lines 58-65 "Data encoded in
  the VBI is retrieved by the VBI decoder 60a and provided to the directory
  controller for automatic generation of the program title for the directory of the
  program being recorded. Additionally, the decoder 60a retrieves the flag
  packet and provides the flag to the VCR control logic 21 for capturing and
  storing the selected video frame as a picture to be used as port of the
  description of a video program that is recorded");

- wherein, in a case where the still image information is configured to be
  displayed at the same time when the audio information is reproduced in
  accordance with the reproduction sequence, a specific one of the pieces of
  the still image information configured to be displayed first is set as a
  representative still image of the contents of the reproduction sequence (Col
  10, lines 27-32 "A program directory or directories containing information
  about the names and locations of each program or record on the tape is
  stored on the tape. Also, a selected video frame for each recorded program
  is stored on the tape preferably at the beginning of the tape in the video
  track").

Regarding claim 28, Yuen discloses an apparatus of reproducing music

information from an information storage medium comprising:

- a first unit configured to reproduce management information for managing a

  manner of reproduction of the music information to search for a plurality of

  representative images representing one or more pieces of audio information

  (Col 9, lines 33-34 "The index is stored on the tape by the video publisher at

  the time of the recording," Col 10, lines 27-32 "A program directory or

  directories containing information about the names and locations of each

  program or record on the tape is stored on the tape. Also, a selected video

  frame for each recorded program is stored on the tape preferably at the

  beginning of the tape in the video track"), wherein the music information is

  configured to be associated with one or more of the representative images

  (Col 10, lines 27-32 "A program directory or directories containing information

  about the names and locations of each program or record on the tape is

  stored on the tape. Also, a selected video frame for each recorded program

  is stored on the tape preferably at the beginning of the tape in the video

  track");

- a second unit configured to display the representative image (Col 1, lines 46-

  48 "A frame of the video program that is recorded on tape is selected to be

  displayed with the directory in text form for one or more of the recorded

  programs");

- a third unit configured to determine one of the representative images being selected (Col 6, lines 38-39 "The still video frame is also read and displayed on display 50 for a selected program"); and

- a fourth unit configured to reproduce the audio information corresponding to the selected representative image (Col 1, lines 37-39 "directories in text are provided for home recorded [HR] tapes and for pre-recorded [PR] tapes to facilitate selection and playing of programs" and Col 8 lines 12-13 "an audio track 42a which contains audio signals").

Yuen discloses showing a plurality of programs on a single screen, as well as the storage of multiple representative images, but only shows one of those images, as illustrated in Fig. 17 and Fig. 18.

Noguchi et al teach the display of multiple representative images representing multiple programs or program segments on a medium (Col 11, lines 53-54 "pictures M1 to M6 indicative of the respective programs are displayed within the menu picture M, for example").

As suggested by Yuen and taught by Noguchi, the display of several items in a menu page presents the user information to enable him to select the desired program easily and quickly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yuen in order to display multiple representative images on the index screen.
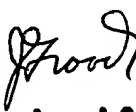
Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James A. Fletcher whose telephone number is (571)

272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Groody can be reached on (571) 272-7950. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JAF   James J. Groody
26 October 2005   Supervisory Patent Examiner
                                                    Art Unit 262
                                                         2616